

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:
City of Detroit, Michigan,
Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

Order Denying Motion for Relief from Stay

This matter comes before the Court from a letter filed by Phyllis Hernandez on August 4, 2014. (Dkt. #6514) The Court construes this letter as a motion for relief from the automatic stay. She seeks relief from the stay to pursue her antitrust damage claim against the City. The City filed objections to the motion on August 27, 2014 and August 29, 2014 (Dkt. ##7096 and 7199) and Ms. Hernandez filed a reply on September 9, 2014. (Dkt. #7361) The Court concludes that oral argument is not necessary to resolve the motion.

As noted by the City, Ms. Hernandez did not file a proof of claim in this case. Therefore, if the City's plan of adjustment is confirmed, Ms. Hernandez's claim will be discharged. On the other hand, if the case is dismissed, the automatic stay will terminate and Ms. Hernandez will be free to continue her case in state court. Consequently, the Court finds that Ms. Hernandez has not shown cause for relief from the automatic stay under 11 U.S.C. 362(d)(1).

IT IS ORDERED that the motion is denied.

Not for publication

Signed on September 26, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge